



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

---

Tuesday, May 16, 2017

10:00 AM

Don L. Nay Port Administration Boardroom

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Moore, and Commissioner Nelson

**Excused:** 1 - Chairperson Valderrama

**Absent:** 0

*Commissioner Malcolm was excused until he arrived at 10:27 am.  
Commissioner Moore was excused until she arrived at 10:31 am.*

*Officers Present: Coniglio, Russell, Monson, and Deuel.*

#### B. Public Communications.

#### CLOSED SESSION

*Thomas A. Russell, General Counsel, announced the Closed Session Items as follows:*

1. [2017-0254](#) Closed Session Item No. 1

PERSONNEL EVALUATION:  
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER  
Government Code Section 54957

*There was no reportable action taken on this item.*

2. [2017-0255](#) Closed Session Item No. 2

CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6

Agency Negotiator: Robert Valderrama  
Unrepresented Employee: President/Chief Executive Officer/Executive Director

*There was no reportable action taken on this item.*

3. [2017-0228](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Chula Vista Bayfront parcel consisting of approximately 60 acres of land at H Street and Marina Parkway, Chula Vista

Negotiating Parties: Ira Mitzner and Luke Charlton - RIDA Chula Vista, LLC;

Gary Halbert - City of Chula Vista;

Shaun Sumner, Anthony Gordon, Adam Meyer, Stephanie Shook - SDUPD

Under Negotiations: Price and Terms

*This item was continued to a future Board Meeting.*

4. [2017-0229](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 575,186 square feet of tideland area in the City of San Diego (849 W. Harbor Drive, San Diego, CA 92101)

Negotiating Parties: Yehudi "Gaf" Gaffen - Gafcon, Inc., Protea Waterfront Development

Randa Coniglio, Shaun Sumner, Anthony Gordon, Adam Meyer, Lucy Contreras, and Alexa Paulus - SDUPD

Under Negotiations: Price and Terms

*Thomas A. Russell, General Counsel, announced that due to a relationship between Commissioner Moore and an involved party, Commissioner Moore recused herself from any participation on Closed Session Item 4 - File No. 2017-0229.*

*There was no reportable action taken on this item.*

5. [2017-0232](#) Closed Session Item No. 5

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

SLPR LLC, et al. v. San Diego Unified Port District and State of California,  
et al.

San Diego Superior Court Case No. GIC 860766-1[Consolidated with  
37-2008-000791750-CU-OR-CTL and 37-2016-00025353-CU-EI-CTL]

*There was no reportable action taken on this item.*

6. [2017-0248](#) Closed Session Item No. 6

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation Government Code Section 54956.9(d)(2)

Two (2) Cases

*There was no reportable action taken on this item.*

7. [2017-0249](#) Closed Session Item No. 7

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Subdivision (d)(4) Government Code Section 54956.9

Two (2) Cases

*There was no reportable action taken on this item.*

8. [2017-0253](#) Closed Session Item No. 8

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 34,069 square foot dining establishment on a  
platform over approximately 25,000 square feet of water located at 1360  
North Harbor Drive in the City of San Diego, California

Negotiating Parties: Shaun Sumner, Anthony Gordon, Adam Meyer, Wendy  
Ong - SDUPD; Mike Morton, Jr. - The Brigantine, Inc.

Under Negotiations: Price and Terms

*There was no reportable action taken on this item.*

9. [2017-0250](#) Closed Session Item No. 9

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. The California Coastal Commission, et al.

San Diego Superior Court Case No. 37-2015-00034288-CU-WM-CTL

*Thomas A. Russell, General Counsel, announced that due to a relationship between Commissioner Castellanos and an involved party, Commissioner Castellanos recused himself from any participation on Closed Session Item 9 - File No. 2017-0250.*

*There was no reportable action taken on this item.*